

Questions/Answers and Comments from the Contractor Forum
Office of Acquisition Management
Held April 10, 2003

QUESTION #1

What is the status of the Superfund Technical Assessment & Response Team (START) re-bid?
We heard that significant changes to the Statement of Work and contract are being considered.

ANSWER

OAM is currently in the planning phase of developing an acquisition strategy for the next round of Superfund Technical Assessment & Response Team (START) contracts. The Headquarters and Regional contracting and Program offices met in January of this year for a kick-off strategy meeting and we discussed what has been working well under the existing START contracts and what has not worked so well, in light of the 2 major incidents last year. We also addressed the Agency's more recent need of having to prepare for the possibility of responding to 5 simultaneous (World Trade Center size events) occurring in a particular location or randomly across the country; and how we can ensure that our follow-on emergency response contracting vehicles will provide sufficient support and capacity.

There is a greater need than ever before to have a national approach to response. This will mean defining standard requirements for national consistency while providing flexibility to meet any region's specific needs. A workgroup has been established to begin drafting the Statement of Work requirements, which at this time will include both site assessment and removal requirements. The workgroup has been holding monthly telecons for the past couple of months and met in DC to focus on developing performance based requirements. We anticipate having a draft Statement of Work to share with industry for feedback and comments during the first quarter of fiscal year (FY) 2004. The timeline for releasing the competitive solicitations will be during the fourth quarter of FY 2004. The first Superfund Technical Assessment & Response Team (START) contract does not expire until April 2005 in Region 1, so we are definitely doing advanced planning and coordination to ensure that we have very effective emergency response contracts in place.

QUESTION #2

How much funding does Region IX expect for the Emergency & Rapid Response Services (ERRS) contractors in 2003?

ANSWER

We do not have an exact funding amount that is guaranteed in 2003. There is a minimum value of \$50K in the current period of performance.

Comment #3

Applicability of Cost Accounting Standards and requirement for certified cost or pricing data on ERRS contracts. Waste management, transportation and disposal meets the definition of "commercial item". ERRS contracts are awarded based on competition. Therefore no FAR

requirement for either CAS (FAR 52.230-1) or certified cost or pricing data.

RESPONSE

In response to this comment and to provide clarification, historically OAM has not processed the ERRS SOW as a commercial item or service. The nature of the service required under the ERRS contract, does not meet the definition of services offered to the general public. The ERRS contractors have very short lead times to respond. These lead times are not industry standards, but negotiated with each contractor for the specific needs of the EPA Regional Office.

As a general rule, EPA does not require Certified Cost and Pricing Data to be submitted with proposals under the ERRS contract. There are several exceptions to this rule. EPA does not believe any of those factors are applicable and it would be a rare exception for EPA to require certified data. In addition, adequate competition is a justification for not requiring certified data. Moreover, based on the exceptions identified for CAS coverage, EPA is not aware of an exemption based on competition. See FAR 30.201-1 CAS Applicability.

QUESTION #4

What are EPA's plans for the Superfund program and for procuring the next generation of RACs?

ANSWER

Given the overall funding concerns in the agency, there will certainly have to be funding priorities established at the most senior levels of the agency, and the agency will have to closely monitor the Superfund projects that are in the pipeline to ensure those that are deemed the highest priority are funded. In light of the funding constraints, it is important that industry partners with EPA to find more efficient ways of doing business and help us take maximum advantage of contracting tools, like Performance Based Service Contracting (PBSC), to save program costs.

As for the next generation of RACs, a national RAC SOW template has been developed by our Design/Construction Workgroup. The RAC SOW previously used has been reduced in size to remove repetitiveness. However, the work breakdown structure (WBS), task inventory, coding tables, SOW task details and reports of work are all there but streamlined. The program management task has been removed and the reporting requirements and distribution have been reduced.

Originally up to 4 contracts were awarded in each region, but now most regions have 1 or 2 RACs. One being a large business for the full design and construction effort, and the other, a contract with a SB that would do similar, but smaller scope of work. For instance, Regions 4, 9, and 10 have only one Response Action Contract (RAC) contractor; however, Region 9 anticipates for its follow-on contracts an unrestricted RAC procurement along with a small business RAC procurement with a reduced scope of work.

The follow-on RACs are still expected to be level of effort (LOE), but we are interested in exploring ways to convert these requirements or portions of these requirements to performance

based. The tentative schedule for the upcoming RAC re-compete, are Regions 5-9 in 2005, Regions 1 and 4 in 2006, and Region 2 in 2008.

QUESTION #5

What is the status of the RAC re-compete contracts. Timing, structure, SOW, number of contracts per region, and will they be performance based?

ANSWER

See Answer to Question #4.

QUESTION #6

What is EPA's recommendation on partnering with other companies on bids' non-bid circumstances; forecast process; and mentoring?

ANSWER

EPA encourages teaming arrangements between large and small businesses. For a list of the current EPA Contractors for your use in considering potential teaming arrangements, please view the EPA Active Contracts list available on the Internet at: <http://www.epa.gov/oam/> Also on this Internet site you can find the EPA organizational chart with names that you can use to submit an introduction letter or provide information on your firm and your capabilities. In addition, EPA's Office of Small and Disadvantaged Business Utilization's Internet site at: <http://www.epa.gov/osdbu/> provides companies with more information on doing business with EPA.

Regarding EPA's forecast process. The Office of Acquisition Management annually compiles an acquisition forecast which includes information on prospective requirements for the current year and the following fiscal year, and lists all small business procurement opportunities including set-aside competitions, 8(a) and Historically Underutilized Business ZONE (HUBZONE) opportunities. The forecast lists all procurement opportunities exceeding \$100,000 by EPA's major contracting activities: (1) Cincinnati Procurement Operations Division, Cincinnati, Ohio; (2) Research Triangle Park (RTP) Procurement Operations Division (RTPPOD), Research Triangle Park, North Carolina; (3) Headquarters Procurement Operations Division, Washington, D.C.; (4) Superfund/RCRA Procurement Operations Division, Washington, D.C.; and (5) EPA Regional Offices located around the country. The forecast also provides the name of the Contracting Officer, Service Center Manager, or Team Leader responsible for the acquisition. The acquisition forecast is available on the Internet at: <http://www.epa.gov/oam/>

To locate EPA procurement opportunities, visit the Federal Business Opportunities Internet site where EPA posts information. The Federal Business Opportunities are available on the Internet at: <http://www.FedBizOpps.gov/> If you register your company e-mail address with the North American Industrial Classification System (NAICS) Codes that apply to your type of business, you will automatically receive e-mail notification the day the procurement opportunities in those NAICS Codes are posted.

QUESTION #7

Where can I locate the Government Environmental databases?

ANSWER

It is unclear from the question which database the question refers. However, for general information see www.epa.gov and for general EPA information see www.epa.gov/epahome/lawregs.htm (Major Environmental Laws)

QUESTION #8

What is the status of the WOSB set-aside?

ANSWER

There is no set-aside program for Women-Owned Small Businesses(WOSB). However, in May 2003, Senator Olympia Snowe introduced the Women's Small Business Programs Improvement Act of 2003 (S. 1154). More information on this legislation may be obtained at: <http://sbc.senate.gov/breaking.html>

QUESTION #9

"Retention and Availability of Contractor Files" is a standard clause in EPA contracts. Public Law 106-229 ("E-SIGN") requires that agencies allow private parties (contractors) to retain records electronically. Confirm that originals can be destroyed after they have been saved electronically. If this is not the case, please explain why Public Law 106-229 does not apply to firms holding EPA contracts.

RESPONSE #9

The EPA clause entitled "Retention and Availability of Contractor Files" indicates that contractors shall not destroy original records relating to a contract. It also requires approval of the contracting officer prior to destroying original records.

One of the basic purposes of E-SIGN is to promote the use of electronic record keeping in "private commerce" by establishing legal equivalence for electronic documents. "Governmental transactions" were purposely excluded from E-SIGN. Governmental transactions include all transactions with Federal agencies, as well as activities conducted by private parties for governmental purposes.

QUESTION #10

Please explain the reorganization in OERR that is resulting in site assessments being removed from the START statement of work.

ANSWER

The reorganization of Office of Emergency and Remedial Response (OERR) consists primarily of 2 major shifts in offices and responsibilities. First, all the emergency response (including emergency and time critical removals) and oil spill programs will be moved under Chemical Emergency Preparedness and Prevention Office (CEPPO). This change will provide for one focal point in the Office of Solid Waste and Emergency Response (OSWER) rather than two.

Second, OERR's core mission of cleaning up contaminated sites will be expanded to include the Technology Innovation Office. This change will consolidate the technical expertise within the SF Remedial Program and focus more on innovation to help use our clean up funds more effectively, and to improved program evaluation.

There has not been a decision made nationally to remove site assessment work from the START SOW. The START workgroup is operating under the same premise that site assessment and removal requirements will remain together as awarded under the existing START contract.

QUESTION #11

Please explain how contracting will be done in the future for site assessments.

ANSWER

See Answer to Question #10.

QUESTION #12

What "lessons learned" from 9/11 are affecting the scope/structure of the new START contracts?

ANSWER

There were 13 recommendations that resulted from the 60-day study. Some of those recommendations are being integrated into the follow-on START contracts; such as, national cross over language, incentives for good contractor performance, security background clearances, and acquisition flexibility. For other recommendations, there may be separate contract actions or interagency agreements to meet the needs of the Agency. For example; the development of A national contract strike team, increased On-site Coordinator (OSC) administrative support, and Counter Terrorism (CT) equipment and warehouse operations.

QUESTION #13

Will the new START contracts be regional or zone or something else?

ANSWER

The START contracts will be regional.

QUESTION #14

What is the schedule for START re- bids?

ANSWER

See Answer to Question #1.

QUESTION #15

What input would you like to have from contractors during the planning phase for the START rebids?

ANSWER

Any special terms and conditions for the upcoming START re-competes have not been completed yet.

QUESTION #16

As a cost-saving measure, will EPA consider award-term contracts for future procurement opportunities for START contracts?

ANSWER

See Answer to Question #1.

QUESTION #17

What Business Opportunities exist for small, minority computer hardware service companies?

ANSWER

This type of requirement could be generated from a number of EPA program offices. Watch for an announcement of the need for these services on OAM's Acquisition Forecast which can be found on the Internet at: <http://www.epa.gov/oam/>

QUESTION #18

How can an architectural firm better market to receive a contract with EPA?

ANSWER

The Architecture, Engineering and Real Estate Branch (AERB) maintains current SF-254's in accordance with the FAR 36.603. Therefore, individual firms should submit on a yearly basis their most current SF-254. The firms could also try face to face with (AERB). In addition, the firms should monitor the Federal Business Opportunities site on the internet <http://www.FEDbizopps.gov>. For all current requirements and respond accordingly by submitting their SF-254's and SF-255's.

QUESTION #19

What are the small business size standards? When do they apply?

ANSWER

Small business size standards are contained in Title 13 Code of Federal Regulations,(CFR) 121.101 and in the Federal Acquisition Regulations, 48 (CFR) 19. The standards define whether a business entity is small and, thus eligible for Government programs and preferences reserved for "small business" concerns. Size standards have been established for various types of economic activities or industries, generally under the North American Industry Classification System (NAICS). For a business entity to be considered small for purposes of a Federal procurement, the entity must meet the small business size standard for the NAICS code included in the solicitation. The contracting officer selects the small business size standard for the procurement by selecting the NAICS code that best describes the principle purpose of the procurement.

QUESTION #20

What Information Technology and outsourcing and software development projects are at EPA?

ANSWER

See Answer to Question #17.

QUESTION #21

What opportunities does EPA have for English - Spanish translators?

ANSWER

See Answer to Question #17.

QUESTION #22

Will EPA be issuing contracts for designing and developing advance materials that can operate at higher temperatures for power generating plants to operate more efficiently and reduce the health and environmental impacts from plant emissions?

ANSWER

The Department of Energy and NASA are the principal agencies that are involved in the research and development of advanced materials that can operate at higher temperatures. As such, these agencies should be contacted directly to determine if there are any available contracting opportunities in this area. Information concerning their activities can be obtained from the following websites:

[HTTP://www.energy.gov/](http://www.energy.gov/)

<http://www.nasa.gov/>

Emissions from hazardous waste incinerators and industrial furnaces that burn hazardous waste as a fuel are subject to Resource Conservation Recovery Act (RCRA) regulation, under RCRA section 3004(a) and 3004 (q), which require that management standards for these sources be protective of human health and the environment. EPA's budget does not contain plans for any significant expenditures related to research efforts for actual development of advance materials. However, EPA is currently researching a coating material for wiring in order to improve electrical conductivity. Information may be obtained from the following website:
<http://www.epa.gov/epaoswer/hazwaste/combust.htm>

QUESTION #23

What is EPA doing to get prime contractors to rotate small business sources to give opportunities to other small businesses?

ANSWER

In accordance with the Federal Acquisition Regulation clause at 52.244-5 (a), contractors are required to select subcontractors on a competitive basis to the maximum practical extent, consistent with the objectives and requirements of the contract. EPA's contracting officers and

representatives from EPA's Office of Small and Disadvantaged Business Utilization (OSDBU) monitor subcontracting plans by ensuring that prime contractors achieve approved subcontracting goals. Small businesses may obtain subcontracting and contracting opportunities from the following websites:

EPA Active Contracts (subcontractor opportunities)

<http://www.epa.gov/oam/ptod/ek1rptv.pdf>

EPA Acquisition Forecast (future prime and potential subcontractor opportunities)

<http://yosemite1.epa.gov/oarm/oam/forecastdatabase.nsf>

Subcontractor Net

http://web.sba.gov/subnet/act_search_bid_form.cfm?my_action=view_all

Fedbiz Opps

<http://www2.eps.gov/spg/index.html>

GSA Schedules

<http://apps.fss.gsa.gov/contractorguide/>

Free Counseling by Small Business Development Centers (SBDCs)

<http://www.sba.gov/sbdc/sbdcnear.html>

Networking with Professional Acquisition Organizations

<http://www.ncmahq.org/>

<http://www.ism.ws/>

QUESTION #24

How can I get information on contracts coming up for bid in Northern California?

ANSWER

The Forecast of Contract Opportunities is the first source for planned upcoming contracts in Northern California. For other unplanned needs, when our Program Offices determine a requirement they provide a Purchase Request to the Contracts Office. If the requirement does not fit on an existing contract then the requirement would be advertized on <http://www.fedbizopps.gov>.

QUESTION #25

What are EPA's small business goals? Did EPA meet its small business goals in 2002? What are EPA's plans for meeting the goals in 2003?

ANSWER

EPA's Prime Contracting Goals and Accomplishments for FY 2002

	<u>Goal</u>	<u>Accomplishments</u>
Small Businesses	23.5%	26.5%
SDBs, Non 8(a)s	3.5%	2.0%
8(a)s	6.0%	6.3%
WOSBs	5.0%	3.8%
HUBZones	2.5%	.1%
Service Disabled Veteran-Owned Small Businesses (SDVOSBs)	3%	0%

EPA's Subcontracting goals and accomplishments for FY 2002.

	<u>Goals</u>	<u>Accomplishments</u>
Small Businesses	50%	49.4%
SDBs	20%	8.2%
WOSBs	6%	9.9%
HUBZones	2.5%	1.0%
SDVOSBs	3%	.6%

During FY 2003, EPA plans to take the following actions to increase accomplishments.

Prime Contracting

- ◆ Identifying large contracts that can be broken up into smaller contracts for award to Small Disadvantaged, Women-Owned, HUB Zone, and Service Disabled Veteran-Owned Small Businesses.
- ◆ Reviewing the contract award reporting process to ensure data is being captured to properly account for contract awards to socioeconomic firms.
- ◆ Continuing OSDBU's efforts under its contract with Howard University for outreach to assist small businesses in seeking procurement opportunities with EPA.
- ◆ Continuing to work with the disadvantaged/women-owned business community and trade

associations, such as the Association for Service Disabled Veterans, to assist them in participating in EPA procurements.

- ◆ Continuing to work with the federally recognized American Indian/Alaska Native business community to assist them in developing teaming agreements and improving access to contract opportunities.
- ◆ Continuing to work with the Small Business Administration (SBA) under the Memorandum of Understanding to support the need to increase Women-Owned Small Business participation in EPA procurements.
- ◆ Continuing meetings between OSDDBU, the Office of Acquisition Management, and program offices to ensure the utilization of socioeconomic firms is included in acquisition planning.
- ◆ Identifying qualified HUBZone businesses that are not yet certified and informing them of the certification process.
- ◆ Conducting training for program and contracting personnel on small business programs.

Subcontracting

- ◆ Continuing to aggressively review prime contractors' subcontracting plans to make sure the plans include awards to Small, Small Disadvantaged, HUBZone, and Service Disabled Veteran-Owned firms, and that the plans meet the Agency's subcontracting goals.
- ◆ Continuing to monitor prime contractors' subcontracting accomplishments and meeting with them to identify corrective actions when subcontracting goals are not being met.
- ◆ Emphasizing to prime contractors the requirement to submit Standard Form 295 by the established due date. This will allow EPA to capture data and respond in a timely manner to prime contractors not achieving their negotiated subcontracting goals.
- ◆ Offering prime contractors the use of EPA's small business database of firms interested in providing services to EPA.

QUESTION #26

How does a small business get a contract or grant?

ANSWER

The best recommendation for obtaining information about pending contracting opportunities from EPA is to access the Office of Acquisition Management Internet Website at www.epa.gov/oam/ (click the contracts or grants icon). This website contains information

regarding contracting policies and small business guidelines, as well as, the OAM acquisition forecast database. The site also contains links to the OAM Procurement Operations Divisions and Regional Offices that describe pending solicitations and issue dates; due dates for submitting proposals, points of contact, etc. at those locations. Websites for the individual OAM Operations Divisions can be accessed at:

Headquarters Procurement Operations Division
www.epa.gov/oam/hpod

Research Triangle Park Procurement Operations Division, RTP, NC
www.epa.gov/oam/rtp_cmd

Cincinnati Procurement Operations Division, Cincinnati, Ohio
www.epa.gov/oam/cinn_cmd

Government wide business opportunities can be accessed at www.fedbizops.gov.

In addition, small businesses are encouraged to share information and marketing materials with the following individuals:

LaJuana Moody, Acting Competition Advocate: moody.LaJuana@epa.gov

Jerry Dodson: dodson.jerry@epa.gov (Research Triangle Park, NC)

Norman White : white.norman@epamail.epa.gov (Cincinnati, Ohio)

Myrna Mooney: mooney.myrna@epa.gov (Washington, DC)

Small businesses should market with their local or District Office of the U. S. Small Business Administration (SBA). It's important also to register your company with the SBA Pro-Net System at : <http://www.pro-net.sba.gov/> This site is used as a database to identify small businesses and determine whether there are a minimum of two capable and qualified firms to issue the solicitation as a small business set-aside. Information about grants can be obtained from the Office of Grants and Debarment at: www.epa.gov/ogd/ - click the grants icon.

QUESTION #27

Region 9 has one Response Action Contract (RAC) contractor, unlike all other EPA regions. Will Region 9 allow for more contractor awards under the next procurement?

ANSWER

See answer to question #4.

QUESTION #28

Will existing contracts be modified to include background check provisions?

ANSWER

Yes, existing EPA contracts will be modified to require background checks and suitability determinations.

QUESTIONS #29

Does the Mentor/Protege program include Women Owned Businesses as participants or only minority businesses?

ANSWER

The mentor-Protege Program includes woman-owned-small businesses and minority businesses.

QUESTION# 30

Does EPA require all contractors to be US citizens?

ANSWER

No, EPA does not require contractors to be US citizens.

QUESTION #31

Even though contracts are awarded and don't expire, can I still approach the prime contractor?

ANSWER

Contractors are not prohibited from approaching the prime contractor even though the contracts are awarded and not expired. Contact with the prime contractor may assist them with identifying subcontractors for their contracts.

QUESTION #32

What is the difference between "sources sought" vs. "solicitation" vs "synopsis sought"? What is the Government asking for in each request?

ANSWER

“Sources Sought” is a notice issued to the public (interested parties) concerning a potential contractual requirement. This notice will assist in determining if there is (are) a firm (s) capable of fulfilling a Government requirement. “Sources Sought” notices request interested parties to submit a capability statement in reference to a specific potential requirement. **“Synopsis”** is an advertisement of a Government requirement to fulfill a specific need. A synopsis provides a brief description or abstract of a specific Government requirement. **“Solicitation”** is an invitation to submit an offer or bid concerning a potential acquisition. A solicitation invites an offeror or bidder to submit a proposal or quote in reference to its technical, cost/price, past performance, or other capabilities in support of a specific acquisition.

QUESTION #33

What services does EPA obtain through GSA? What GSA schedules are involved? Why

does EPA go through GSA?

ANSWER

The General Services Administration (GSA) manages the Federal Supply Schedule program whereby EPA and other agencies can procure commonly used commercial supplies and services through a simplified process. See Federal Acquisition Regulations (FAR) 8.401 (a) for further information. The use of Multiple Award Schedules (MAS) encourages competition within the private sector and results in lower overall prices to the Government. An additional benefit to government agencies derived from the use of GSA schedule contracts, is a reduction in administrative costs and procurement lead times that are normally associated with issuing and awarding competitive contracts for supplies and services. Agencies simply place orders against GSA MAS contracts.

Orders placed against a MAS are considered to be issued using full and open competition. Accordingly, ordering offices need not seek further competition, publicize the requirement, make a separate determination of fair and reasonable pricing, or consider small business programs. These contracts are accessible on the Internet by accessing GSA's Advantage Website at: <http://www.fss.gsa.gov> or through the Federal Technology Service website at: <http://www.fts.gsa.gov/programs.html>.

Ordering information and a complete listing of GSA's schedules is located at GSA's Schedules E - Library at <http://www.fss.gsa.gov/customers.cfm>. Some of the more commonly used schedules utilized by EPA are as follows:

Schedule 70 - General Purpose Commercial Information Technology Equipment, Software and Services.

Schedule 873 - Laboratory Testing and Analysis Services

Schedule 874 - Management, Organization, and Business Improvement Services

Schedule 899 - Environmental Services

QUESTION #34

Is teaming among small businesses encouraged for small business set-aside contracts ? Does this improve chances of winning the contract over a small business & large business team?

ANSWER

There is no clear advantage regarding teaming among small businesses versus teaming among a small business & large business. However, when teaming with a large business, there is a requirement for the small business to perform 51% of the work under the contract. Basis for award is made to the contractor that provides the best value to the government factoring technical superiority, relevant experience, past performance and price in most cases.

QUESTION #35

Please identify Prime contractors that are looking sincerely for small business.

ANSWER

Small businesses may obtain subcontracting and contracting opportunities from the following websites:

EPA Active Contracts (subcontractor opportunities)

<http://www.epa.gov/oam/ptod/ek1rptv.pdf>

EPA Acquisition Forecast (future prime and potential subcontractor opportunities)

<http://yosemite1.epa.gov/oarm/oam/forecastdatabase.nsf>

Subcontractor Net

http://web.sba.gov/subnet/act_search_bid_form.cfm?my_action=view_all

Fedbiz Opps

<http://www2.epa.gov/spg/index.html>

GSA Schedules

<http://apps.fss.gsa.gov/contractorguide/>

Free Counseling by Small Business Development Centers (SBDCs)

<http://www.sba.gov/sbdc/sbdcnear.html>

Networking with Professional Acquisition Organizations

<http://www.ncmahq.org/>

<http://www.ism.ws/>

QUESTION #36

Now that EPA is moving toward certified disadvantaged business enterprises (DBE) for grants. What DBE certifications will EPA recognize, since certification is usually done at the local level and EPA work may span several states.

ANSWER

EPA will accept certifications from both SBA and DOT, provided the entity meets EPA's citizenship requirement. EPA will also accept certifications from Tribal, State, and local entities, provided their criteria for certification meet EPA standards.

QUESTION #37

For EPA contracts modified to add the requirement for background security checks, will contractors be reimbursed for the cost of obtaining the required background checks?

ANSWER

Yes, Contractors will be eligible for reimbursement of reasonable costs in performing background checks.

QUESTION #38

Are EPA mentor-protege points given to small businesses when the protege firm primes with the mentor as a subcontractor?

ANSWER

Contracting officers may grant a technical evaluation criterion for participation in EPA's Mentor-Protege Program, except on small business set-asides and 8(a) Set-aside acquisitions. When such an evaluation criteria is established, technical evaluation points are only provided to prime contractors; therefore, in order to receive technical evaluation points for participation in EPA's Mentor-Protege Program, a small business must submit a proposal as the prime contractor in reference to a non-restrictive, competitively negotiated acquisition that includes the Mentor-Protege Program as an evaluation criterion.

QUESTION #39

What is the outlook for Region 9 Superfund & Brownfields? What is the contract funding for the balance of this year and next?

ANSWER

For Superfund:

Our extramural Superfund budget has been decreasing for the past couple years. The purpose of our extramural budget is to cover funding needs for our contractor-supplied cleanup work, contractor-supplied IT work, emergency response, Corps of Engineers support, state grants for work done to support hazardous waste site cleanup, and other related support. There is no funding earmarked as "contract" funding. We have to balance many needs with available budgets. For this year we are anticipating a large deficit when we compare our planned needs to our available funds. It is planned that ongoing projects will be funded, and any new work will be started if funding is available. For next year, it is too early to know funding levels, but the trend has been a declining budget.

For Brownfields:

Although the Brownfields budget was increased in 2003, only a small amount of that money is contributed towards the (START) Contract to perform site assessment work. The bulk of the Brownfields money is awarded as "grants" to communities for the purpose of assessment and/or cleanup of contaminated properties. The community recipients in turn issue "Requests for Proposals" and typically award contracts for the following activities: inventory of sites; GIS work; preparation of Sampling and Analysis plans; site assessments; cleanup planning; site cleanup; and meeting facilitation. If you wish to work on Brownfields sites, you may find information on each Brownfields Pilot grant recipient at <http://www.epa.gov/brownfields/pilot.htm>. Then you will want to market your capabilities to the recipients of the Brownfields grants.

You may also be interested in attending the National Brownfields 2003 Conference in Portland, Oregon October 27 - 29, see <http://www.epa.gov/brownfields/bfconf.htm> for more information and to register.

QUESTION #40

How much business does the EPA do through GSA schedule 70 with small business?

ANSWER

In Fiscal year 2002, EPA had 61 actions for a total of (\$5.6 million and \$3.0 million) with 38 of the actions and (\$3.0 million) to small business.

QUESTION #41

Does EPA have a means to link grant funding with performance?

ANSWER

EPA's Grants Administration Division has developed a database to capture and maintain information on grant recipient's compliance with the terms, conditions, and other requirements of the grant. If a grant recipient is not complying with grant requirements, EPA has the right to withhold funds.

QUESTION #42

How can we bid for prime or subcontract work at "Iron Mine" near Redding?

ANSWER

Response Action Contract work for Iron Mountain Mine (IMM) is currently assigned to CH2M Hill, Inc. American International Group (AIG) provides operation and maintenance of the site. You may want to contact AIG and CH2M Hill, Inc. directly.

QUESTION #43

Does the forecast of contract opportunities include the EPA procurement opportunities that will go thru a GWACS vehicle?

ANSWER

The most commonly used Government-Wide Acquisition Contracts (GWACS) within EPA are those with the National Institutes of Health and the National Aeronautics and Space Administration. The primary focus of these contracts is to provide information technology hardware and software. In our acquisition planning, if we become aware that a GWAC vehicle will be used, we include it in the acquisition forecast. However, due to timing constraints it may not always be possible to include them.

QUESTION #44

Under the homeland security umbrella, the EPA will likely assign work to contractors that will

be used by Government Officials in decisions regarding public safety. What is the EPA's policy regarding providing the contractor with indemnification?

ANSWER

The new Homeland Security Act of 2002 ("Safety Act") appears to provide the approved list of response action contractors with the amount of risk protection envisioned. The Agency is still evaluating the applicability of the Safety Act to indemnification.

QUESTION #45

Does EPA require contractors to be U.S. Citizen in order to bid and work on contracts that allow access to their information systems?

ANSWER

U.S. citizenship is not a prerequisite to contract with EPA. However, a contractor working on an EPA information system would be required to comply with the Agency's information security program which can be found in Chapter 8 of the Office of Environmental Information's IRM Policy Manual, at <http://epa.gov/docs/irmpoli8/>.

QUESTION #46

Will EPA set standards for background checks on new security policy? Will EPA recognize or accept background checks completed by other federal agencies? Which ones?

ANSWER

EPA is in process of reevaluating the method for performance of background checks and suitability determinations for contractor employees. No decisions have yet been made regarding acceptance of background checks by other Agencies. However, if another Agency has performed a background check AND has subsequently granted a formal security clearance, EPA will recognize the clearance.

QUESTION #47

Does EPA typically require a Bid or Performance Bond from contractors? If so, what types of contracts require bonding?

ANSWER

EPA typically requires bonds for its construction contracts as follows:

(A) For construction contracts greater than \$25,000, but not greater than \$100,000, the EPA requires one of the following payment protections, giving particular consideration to an irrevocable letter of credit as one of the selected alternatives:

(1) A payment bond

(2) An irrevocable letter of credit (ILC)

(3) *A tripartite escrow agreement.* The prime contractor establishes an escrow account in a federally insured financial institution and enters into a tripartite escrow agreement with the financial institution, as escrow agent, and all of the suppliers of labor and material (See FAR 28.102-1(b)(1)(iii) for additional guidelines).

(4) *Certificates of deposit.* The contractor deposits certificates of deposit from a federally insured financial institution with the contracting officer, in an acceptable form, executable by the contracting officer.

(5) A deposit of the types of security listed in FAR 28.204-1 and FAR 28.204-2.

The Contracting Officer selects two of the types of payment protection listed above in the clause at FAR 52.228-13, however, the contractor will select one of those two for submission to the Government.

(B) Performance and payment bonds for any construction contract exceeding \$100,000

QUESTION #48

How does a business get on EPA's small business vendor profile database?

ANSWER

Businesses may email their capabilities to:
jones.denean@epa.gov

QUESTION # 49

Can contractors review their own NIH past performance report or file? Does NIH cover subcontractors?

ANSWER

Upon completion of a contractor's annual performance evaluation by the contracting officer, the contractor is granted thirty business days to review and comment on its evaluation. After the thirty-day period, the contracting officer will provide a copy to the contractor. The contracting officer comments on the performance of a subcontractor in the prime contractor's annual performance evaluation.

QUESTION #50

Does EPA oversee cleanup of sites on U. S. Forest Service Lands? How can we learn of these sites?

ANSWER

The US EPA does not oversee US Forest Service work. Please contact the US Department of Agriculture with your question.

QUESTION #51

Given the geographic "regionalization" of EPA, as well as our private sector companies it would help immensely if forecast our private sector companies it would help immensely if forecast opportunities were identified by region-and listed that way.

ANSWER

The Acquisition Forecast Database does list information by regional offices. Click on information by AA ship or region then you can scroll down to the regional information you need.

QUESTION #52

How does an 8(a) non-competitive and an 8(a) sole source contract work? What is the difference?

ANSWER

An 8(a) non-competitive is an 8(a) sole source. The Federal Acquisition Regulation Subpart 19.8 provides specific details concerning the 8(a) Program. Additional information concerning the 8(a) Program may be obtained from the Small Business Administration website at www.sba.gov.

QUESTION #53

Will the EPA provide directives to large EPA prime contractors to utilize "emerging" small business?

ANSWER

Currently, there are no EPA directives to utilize emerging small businesses. However, EPA encourages large businesses to utilize small businesses through their subcontracting opportunities.

QUESTION #54

Please elaborate on the new practice in region 10 to bid on the remedial phase of a project directly as opposed to bidding through the Response Action Contract (RAC) prime contractor. What is the status?

ANSWER

Region 10 is in the process of placing replacement contracts for the current RAC. Under these new contracts, which we are calling AES (for Architect &

Engineering Services), remedial actions (construction work) are not part of the contract. All remedial actions under the new AES contracts will be either bid out on a site specific construction contract or it may be given to the U.S. ARMY Corps of Engineers. Other agency contracts which provide that type of service may also be used if necessary, i.e., cross over from another region.

Currently, we are in the process of soliciting bids for a remedial action on a site in Portland OR, North West Pipe and Casting. This will be our first site specific construction contract for Region 10.

QUESTION #55

Although Statutory goals are not required for Javits-Wagner-O'day (JWOD), has any thought been given to establishing internal goals by EPA for JWOD?

ANSWER

No

QUESTION # 56

How is EPA going to ensure consistency in the quality of background checks if contractor self-certification is required?

ANSWER

EPA does not require consistency in the performance of background checks by contractors. The quality of background checks will be ensured when contractors comply with the requirements of the background check clause. As with any contract provision, the Agency will rely upon contractors to perform in accordance with the requirements of the background check clause, and will utilize contractual remedies to enforce compliance.

QUESTION #57

Does EPA prefer using recycled products for office supply and office furniture? If so, what is the post consumer waste content requirement?

ANSWER

EPA is committed to maximizing procurement of recycled content and other environmentally preferable products and services. Please refer to the website <http://www.epa.gov/cpg/>. This website serves as a key component of the Government's "buy-recycled" program. You will be able to find all you need to know about the Comprehensive Procurement Guidelines (CPG) which indicate the recommended recovered materials content levels and postconsumer content levels of products.

QUESTION #58

When EPA program offices use GSA for their procurement requirements, are

those procurement opportunities published in the forecast of contract opportunities? If not, how do I get more information on these procurement opportunities?

ANSWER

EPA procurements of \$100,000 or more, including GSA acquisitions, are published in the EPA's forecast of contract opportunities. The forecast database is published on the Office of Acquisition Management's website at <http://www.epa.gov/oam/> and is updated as changes occur.

